



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

**1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733**

August 22, 2011

Mark L. McKoy
U.S. Department of Energy
National Energy Technology Laboratory
3610 Collins Ferry Road
P.O. Box 880
Morgantown, WV 26507-0880

Dear Mr. McKoy:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Final Environmental Impact Statement (FEIS) prepared by the U.S. Department of Energy (DOE) for the Texas Clean Energy Project (TCEP), Ector County, Texas.

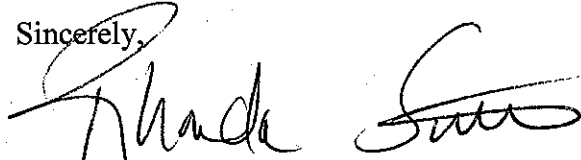
EPA Region 6 provided comments to the Draft EIS dated April 27, 2011. EPA rated the DEIS as "EC-2", EPA has Environmental Concerns and Requests Additional Information primarily due to concerns with the alternatives analysis, water usage, process water effluents, impacts to jurisdictional waters, including Monahans Draw, and cumulative impacts. EPA finds the revisions to the FEIS to be favorable, however, EPA remains concerned that a preferred alternative for each of the linear options was not identified in the FEIS.

Region 6 contacted your office on August 4, 2011 regarding this concern. It is our understanding that Summit (the applicant) is not required to choose a preferred alternative for each of the linear options until additional investigations take place. However, DOE can stipulate a certain alternative to be unacceptable, which would rule out that alternative for the applicant.

EPA requests DOE make a commitment in the Record of Decision (ROD) that, if field investigations reveal that the chosen alternative has impacts greater than those assessed in the EIS, a supplemental analysis be performed. The supplemental analysis must be provided to all regulatory agencies, including the EPA, for review. The ROD should also state that if supplemental analyses reveal significant impacts above those initially identified, DOE would prepare a Supplemental EIS for public and agency review and comment.

If you have any questions or concerns, please contact John MacFarlane of my staff at macfarlane.john@epa.gov or 214-665-7491 for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rhonda Smith', followed by a second, less legible signature.

Rhonda Smith
Chief, Office of Planning
and Coordination